

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES,

v.

JUAN ZUNIGA.

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Cr. No. C-07-123

ORDER DENYING LETTER MOTION AS MOOT

By Order signed and entered May 28, 2009, the undersigned denied without prejudice a letter motion from Juan Zuniga (“Zuniga”), in which he requested “advice” concerning how to obtain documents from his counsel in order to file a petition for writ of certiorari. (D.E. 151, denying D.E. 150.) On June 12, 2009, United States District Judge Hayden W. Head, Jr., received another letter from Zuniga, dated June 9, 2009. (D.E. 152.) The letter has been referred to the undersigned by Chief Judge Head.

In his latest letter, Zuniga explains that he believes there is “some confusion” based on the May 28, 2009 Order. He clarifies that he was not seeking documents from his appellate counsel, Ms. Nicole DeBorde, but instead was having difficulty obtaining documents from Ms. Rebecca Rubane, who previously represented him. (D.E. 152.) The only request he makes for relief in his most recent filing is as follows: “I am requesting if possible that Ms. Nicole DeBorde continue helping me since she has updated knowledge to my case, and since she hasn’t withdrawn she could proceed with my writ of certiorari to the Supreme Court.” (D.E. 152 at 1.)

According to the Fifth Circuit’s docket sheet in Zuniga’s appeal, Ms. DeBorde filed a timely petition for writ of certiorari on Zuniga’s behalf on May 29, 2009. Thus, Zuniga has already

obtained the relief he seeks in his letter motion, which is that Ms. DeBorde represent him in filing a petition for writ of certiorari. His motion (D.E. 152) is therefore DENIED AS MOOT.

It is so ORDERED this 25th day of June, 2009.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE